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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/641,184
Filing Date: August 17, 2000
Appellant(s): CRAGUN, BRIAN JOHN

Gero G. McClellan 44,227
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/03/2006 appealing from the Office action mailed 12/29/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,535,912	ANUPAM ET AL.	3-2003
5,774,123	MATSON	6-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-28 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,535,912 by Anupam et al. (Anupam) in view of U.S. Patent 5,774,123 by Matson (Matson).

With respect to **Claim 21**, Anupam teaches a computer implemented method for use in a browser program, the method comprising:

storing for each user manipulation of a currently retrieved resource, data indicative of such user manipulation (Col. 5 line 25 - Col. 6 line 11 describes the basic flow, Col. 6 line 12 - Col. 7 line 49 gives a more detail description of the overall process); and

combining a network address of a base resource and at least one data structure indicative of user manipulation of said base resource to form a compound network address, said compound network address suitable for retrieving a resource according to the stored user manipulations (Col. 7 line 50 - Col. 8 line 53).

The storing of a user manipulation, including a pointer selection (Col. 4 lines 30-44) further comprises a target network address of a second resource retrieved by the user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing a user manipulation using the coordinate of a pointer selection made by a user. Matson teaches storing user manipulations using the coordinate of a pointer selection made by a user (Col. 5 line 54 - Col. 6 line 15). The pointer selection and coordinates can also be associated with the target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Anupam and modify it as indicated by Matson such that the method further comprises wherein at least one user manipulation is stored using at least one coordinate of a pointer selection made by a user, wherein the pointer selection comprises a target network address of a second resource retrieved by the user. One would be motivated to have this, as there is need for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 22**, Anupam in view of Matson teaches all the limitations of Claim 21 and further teaches wherein said network addresses comprise uniform resource locators (URLs) (In Anupam: Col. 7 lines 50-54).

With respect to **Claim 23**, Anupam in view of Matson teaches all the limitations of Claim 21 and further teaches said user manipulations comprise at least one of resource selections, line data, point device selection and keyboard data (In Anupam: Col. 7 line 50 - Col. 8 line 67).

With respect to **Claim 24**, Anupam in view of Matson teaches all the limitations of Claim 23, wherein user manipulation comprising pointing device selections are defined in terms of pixel coordinates (In Matson: Col. 5 line 54 - Col. 6 line 15).

With respect to **Claim 25**, Anupam teaches a uniform resource locator (URL) embodied in a tangible computer-readable medium, comprising:

- a base URL and a sequence of executable selections (Col. 7 line 50 - Col. 8 line 53);

- the base URL defining a location of a resource to be retrieved (Col. 7 line 50 - Col. 8 line 53); and

- the sequence of executable selections defining a respective sequence of navigation selections to be executed, each of the sequence of selection being executed

after a sequentially preceding selection has been executed (Col. 7 line 50 - Col. 8 line 53).

The storing of an executed selection, including a pointer selection (Col. 4 lines 30-44) further comprises a target network address of a resource retrieved by the user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing an executed selection using the coordinate of a pointer selection made by a user. Matson teaches storing executed selections using the coordinate of a pointer selection made by a user (Col. 5 line 54 - Col. 6 line 15). The pointer selection and coordinates can also be associated with the target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the URL disclosed by Anupam and modify it as indicated by Matson such that the URL further comprises wherein at least one executed selection is stored using at least one coordinate of a pointer selection made by a user, wherein the pointer selection comprises a target network address of a resource retrieved by the user. One would be motivated to have this, as there is need for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 26**, Anupam in view of Matson teaches all the limitations of Claim 25 and further teaches wherein the navigation selections comprise at least one of a URL, line data, a pointing device selection and keyboard data (In Anupam Col. 7 line 50 - Col. 8 line 67).

With respect to **Claim 27**, Anupam in view of Matson teaches all the limitations of Claim 25, further comprising a browser size field, for storing a display window size parameter (In Matson: Col. 6 lines 32-47).

With respect to **Claim 28**, Anupam in view of Matson teaches all the limitations of Claim 25 and further teaches wherein the selection field comprises, for each of the at least one navigation selection: a content field, for storing the navigation selection; a type field for storing an indication of the type of navigation selection included within the content field; and a next record field, for identifying a next navigation selection within the sequence of navigation selections (In Anupam Col. 7 line 50 - Col. 8 line 53 and see Fig. 2 and 3).

With respect to **Claim 33**, Anupam teaches a data structure embodied in a computer readable medium, comprising:

a uniform resource locator (URL) chain header record comprising a base URL and a plurality of URL chain records (Col. 7 line 50 - Col. 8 line 53), each of the URL chain records comprising a content field for storing an executable selection, the executable selection causing a present resource to be modified (Col. 7 line 50 - Col. 8 line 53, and see Fig. 2 and 3).

The at least one URL chain record, including a pointer selection (Col. 4 lines 30-44) further comprises a target network address of a resource retrieved by the user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing at least one URL chain record using the coordinate of a pointer selection made by the user. Matson teaches storing at least one URL chain record using the coordinate of a pointer selection made by a user (Col. 5 line 54 - Col. 6 line 15). The pointer selection and coordinates can also be associated with the target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data structure disclosed by Anupam and modify it as indicated by Matson such that the data structure further comprises wherein at least one URL chain record is stored using at least one coordinate of a pointer selection made by the user, wherein the pointer selection comprises a target network address of a resource retrieved by the user. One would be motivated to have this, as there is need for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 34**, Anupam in view of Matson teaches all the limitations of Claim 33 and further teaches the URL chain record further comprises a type field indicative of the type of executable selection included within the content field (In Anupam: Col. 7 line 50 - Col. 8 line 53 and See Fig. 2 and 3).

With respect to **Claim 35**, Anupam in view of Matson teaches all the limitations of Claim 34 and further teaches wherein the type of executable content comprises at least one of a URL, line data, a pointing device selection and keyboard data (In Anupam: Col. 7 line 50 - Col. 8 line 67).

Art Unit: 2155

With respect to **Claim 36**, Anupam in view of Matson teaches all the limitations of Claim 35 and further teaches each of the URL chain records comprises a next record field for storing a pointer to a next URL chain record within the URL chain (In Anupam: Col. 7 line 50 - Col. 8 line 53, see fig. 2 and 3, and note Col. 13 lines 39-58).

With respect to **Claim 37**, Anupam in view of Matson teaches all the limitations of Claim 36, wherein the URL chain header record comprises a browser size field for storing an indication of an appropriate display window (IN Matson: Col. 6 lines 32-47).

(10) Response to Argument

Argument A:

Appellant argues the rejection of Claim 21, starting on page 10 of the appeal brief and continuing through page 12. Appellant reviews the teachings of Anupam cited by the examiner and states on page 11, *"In contrast, Claim 21 describes a compound network address which is formed from a network address of a base resource and a data structure indicative of user manipulation of the base resource."* Continuing on page 12, Appellant states, *"As described above, the link traversals in Anupam do not form a network address, but are instead stored separately as steps (See, e.g., Items 202, 204, 204 in Fig. 2 of Anupam) within a smart bookmark, which itself not a network address. Accordingly Anupam does not teach the subject matter asserted by the Examiner."*

Examiner's response to argument A:

Appellant's arguments center around the issue of a "compound network address". Particularly, appellant seems to be asserting that the smart bookmark of Anupam is not a network address, and therefore, Anupam does not teach a compound network address. However, as appellant noted, Claim 21 describes exactly how a "compound network address" is formed. Specifically, Claim 21 states,

"combining a network address of a base resource and at least one data structure indicative of user manipulation of said base resource **to form a compound network address**" (emphasis added).

Based on this limitation, the examiner asserts that if a reference teaches the combination of a network address of a base resource and at least one data structure

Art Unit: 2155

indicative of a user manipulation of the base resource, then the reference teaches a "compound network address" as defined by the claims. Anupam teaches the combination of a network address of a base resource and at least one data structure indicative of a user manipulation of the base resource. Particularly, Col. 7, lines 50-54, specifically describes a network address of a base resource, stating, "The bookmark begins at step 1 (201) **with the URL of the first page** at <http://www-db-in/~bharat/>." Col. 7, line 54 through Col. 8 line 53, describes at least one data structure indicative of a user manipulation of the base resource. Particularly, in the exemplary embodiment of this section, link traversals made by the user (user manipulations) are described that originate from the URL of the first page (base resource) and are stored as data structures (See Fig 2 additionally). These are both combined in the form of the smart bookmark. As such, the smart bookmark of Anupam is clearly a "compound network address" as defined by the claim language of claim 21.

Additionally, when a smart bookmark is executed, one arrives at a network address as dictated by the data in the smart bookmark (Col. 8 lines 6-9 in Anupam). Therefore, in terms of scope, one could consider a smart bookmark to be a form of network address. While this may not be the same form as the exemplary network address described by the Appellant on the bottom of page 11 of the appeal brief and continuing to the top of page 12, the examiner notes the claim language does not necessarily limit the form of a network address to this exemplary form. Although the claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Argument B:

Appellant argues the rejection of claim 25 on page 12 of the appeal brief.

Appellant argues “As described above, in *Anupam*, data in the smart bookmark is stored as separate steps within the smart bookmark. See *Anupam*, Figs. 2-3, Col. 7, line 50 to Col. 8, line 9. The data is not stored as a URL with a base URL and a sequence of executable selections, nor is the smart bookmark a URL. See *id.* Accordingly, *Anupam* does not teach the subject matter asserted by the examiner.”

Examiner's response to Argument B:

Appellant has not provided any evidence as to how the “separate steps within the smart bookmark” as taught by *Anupam*, would not be considered a sequence of executable selections. The claim language states “a base URL and a sequence of executable selections”. As noted above, *Anupam* teaches a base URL. Particularly, Col. 7, lines 50-54, specifically describes a network address of a base resource, stating, “The bookmark begins at step 1 (201) **with the URL of the first page** at http://www-db-in/~bharat/.” In terms of “a sequence of executable selections”, the claim language states in part “the sequence of executable selections defining a respective sequence of navigation selections to be executed, each of the sequence of selections being

executed after a sequentially preceding selection has been executed.” Col. 7, line 54 through Col. 8 line 53, describes a sequence of link traversals made by the user (sequence of navigations selections) that are recorded and stored in the smart bookmark. It is noted that Col. 4, lines 36-37, of Anupam states that a user’s button click (pointer selection) can be recorded as well for the smart bookmark. Ultimately, the smart bookmark is executed by executing each of the steps sequentially to arrive at the end address based on the execution of those steps (Col. 5 lines 13-24 and Col. 8 lines 5-9). Based on this information, it is clear that Anupam teaches the base URL and sequence of executable selections.

Appellant also argues that “*The data is not stored as a URL*” and “*nor is the smart bookmark a URL*”. The appellant appears to be referring to the preamble which states “A uniform resource locator (URL) embodied in a tangible computer-readable medium, comprising:”. The preamble of claim 25 shows that claim 25 is presented as a type of manufacture; a “uniform resource locator (URL)”. Appellant’s arguments imply that being this type of manufacture imparts certain limitations upon the claimed subject matter, and that the examiner has not met these supposed limitations. However, Appellant has not identified what these limitations could be or why this type of manufacture would necessarily give weight to such limitations. The examiner’s interpretation of the overall claim is that a type of manufacture, a URL, is presented with the URL being comprised of the elements described in the body of the claim. In other words, if you have all the elements that make up the body of the claim, than you have a URL as defined by the overall claim. As such, if a reference teaches all the elements of

Art Unit: 2155

the body of the claim or combination of references shows that these elements are obvious, then such teachings show the claimed type of manufacture, the URL, is anticipated or obvious. The grounds of rejection for claim 25 establish that the combination of Anupam and Matson renders the claimed subject matter of the body of the claim obvious. Therefore the URL, as defined by the claim, is obvious in view of this combination.

Argument C:

Appellant argues the rejection of Claim 33 on pages 12 and 13 of the appeal brief. Appellant argues *"The steps, or the smart bookmark, do not form a URL chain record header comprising a base URL and a plurality of URL chain records."*

Examiner's response to Argument C:

The claim language of Claim 33 states "a uniform resource locator (URL) chain header record **comprising** a base URL and a plurality of URL chain records" (emphasis added). As noted before, Anupam teaches a base URL. Particularly, Col. 7, lines 50-54, specifically describes a network address of a base resource, stating, "The bookmark begins at step 1 (201) **with the URL of the first page** at <http://www-db-in/~bharat/>." The next element that a URL chain record comprises of is "a plurality of URL chain records". The "URL chain records" are further defined by the claim language, which states "each of the URL chain records **comprising** a content field for storing an executable selection, the executable selection causing a present resource to be

Art Unit: 2155

modified" (emphasis added). As described earlier, the smart bookmark stores executable selections which can include link traversals as well as other user manipulations and navigational selections (Col. 7, line 54 - Col. 8 line 53 - describes the overall process of storing link traversals which applies to other selections as well such as pointer selections - Col. 4 lines 36-37). Fig. 2 of Anupam shows that these executable selections are stored in a particular field (202-204). The examiner considers these fields to be within the scope of the claimed content fields. Ultimately, the smart bookmark is executed by executing each of the steps stored in the smart bookmark starting at a base resource (present resource) to arrive at the end resource based on the execution of those steps (Col. 5 lines 13-24 and Col. 8 lines 5-9). Based on these teachings, Anupam teaches "a uniform resource locator (URL) chain header record comprising a base URL and a plurality of URL chain records" as defined by the claim language.

Argument D:

On pages 13 and 14 of the Appeal Brief, Appellant makes additional remarks related to the response given by the examiner in the advisory action dated April 19, 2006. Appellant makes particular remarks directed towards the limitation of a "compound network address" in claim 21. Appellant also makes particular remarks in response to the examiner's statement in the advisory action of "it may be arguable that a smart bookmark is not a URL from the standard technological viewpoint."

Examiner's response to Argument D:

The examiner's response to Argument A also applies to appellant's remarks on page 13 of the appeal brief concerning the "compound network address" limitation.

In regards to the examiner's statement in the advisory, the examiner was generally referring to the official standard for a URL, RFC 1738 as appellant made arguments similar to Argument B and did not provide any specific limitations required in relation to teaching a URL. The examiner does not rely on RFC 1738 for any information, but was just stating that the smart bookmark of Anupam **may** not be a URL according to this standard. The key to the examiner's statement is that claim 25 may not be a URL according to this standard either, based on the given claim language. As noted in the response to Argument B and in the advisory action, the subject matter of the body of claim specifically defines what a URL is in accordance with Claim 25. The grounds of rejection for claim 25 establish that the combination of Anupam and Matson renders the claimed subject matter obvious. Therefore the URL, as defined by claim 25, is obvious in view of this combination.

Art Unit: 2155

(11) Related Proceeding(s) Appendix

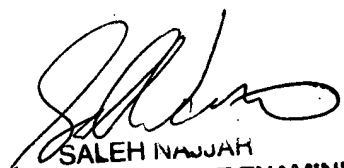
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


David Lazaro

Conferees:


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